

December 12, 2013

**Division of Water Quality
Utah Department of Environmental Quality
Notice of Public Comment Period and
Proposed 401 Water Quality Certification
To Close the East Culvert Of The
Union Pacific Railroad Causeway - Great Salt Lake**

Purpose of Public Notice

The Utah Division of Water Quality (DWQ) is soliciting comments regarding the issuance of 401 Water Quality Certification to temporarily close the East Culvert of the Union Pacific Railroad (UPRR) causeway due to its failing condition, as described below, under the authority of Section 401 of the federal Clean Water Act, (33 U.S.C. § 1341) and consistent with the Utah Water Quality Act, Title 19, Chapter 5, Utah Code Ann. 1953, as amended and Utah Administrative Code R317-15. A person who wishes to challenge a Permit Order may only raise an issue or argument during an adjudicatory proceeding that was raised during the public comment period and was supported with sufficient information or documentation to enable the Director to fully consider the substance and significance of the issue. Utah Code Ann. 19-1-301.5 can be viewed at the following internet URL: http://le.utah.gov/~code/TITLE19/htm/19_01_030105.htm.

Permit Information

Permittee: Union Pacific Railroad (UPRR)

Mailing Address: 1400 Douglas Street, Stop 0910, Omaha, Nebraska, 68179-0910

Facility Location: The East Culvert of the UPRR causeway is located at Mile Post 750.53, in Section 29, Township 6 North, Range 6 West, Salt Lake Meridian, 41.221 and -112.561, Box Elder County, Utah. The causeway lies between Gilbert Bay and Gunnison Bay in Great Salt Lake, from the southern boundary of Promontory Point to Lakeside on the western shore of Great Salt Lake.

Permit Background

On December 6, 2013 the U.S. Army Corps of Engineers (USACE) authorized the Union Pacific Railroad (UPRR) to temporarily close the East Culvert by issuing a Nationwide Permit 14, *Linear Transportation Projects*, which requires UPRR to secure 401 Water Quality Certification. DWQ originally learned of UPRR's intent to close both the East and West Culverts in February 2011 and has consistently provided comments to USACE and UPRR about water quality issues. However, the west culvert was closed in November 10, 2012 based on emergency conditions (as determined by USACE) using a Nationwide Permit that provided automatic 401 Water Quality Certification. This current 401 Water Quality Certification is specifically for the East Culvert but contains mitigation provisions for the entire causeway project.

Public Comments

The Public Comment period for this action begins with a notice posted on DWQ's website at: <http://www.waterquality.utah.gov/PublicNotices/index.htm>, on Thursday, December 12, 2013 through, Wednesday, January 15, 2014 at 6:00 p.m. However, after careful evaluation of information provided by UPRR documenting the imminent threat of failure of the East Culvert, DWQ intends to issue 401 Water Quality Certification to this project after 6:00 p.m. on Monday, December 16, 2013. The Director has decided to issue this 401 Water Quality Certification before the end of the 30-day public comment period due to the instability of the East Culvert and the need for UPRR to commence its repair work. However, public comments will continue to be accepted until **Wednesday, January 15, 2014 at 6:00 p.m.** The Director will review the comments received, prepare a response, and modify the 401 Water Quality Certification, if appropriate (see Condition #1 of the

Proposed Certification that is posted on website). This certification anticipates that UPRR will pursue an Individual Permit with USACE and the 401 Water Quality Certification will include requirements for monitoring the impacts of the closure of both culverts and the restoration of circulation between the North and South Arms of Great Salt Lake.

Additional Information

Additional information listed below is also posted on DWQ's Public Notice website at:
<http://www.waterquality.utah.gov/PublicNotices/index.htm>

- UPRR's 401 Water Quality Certification application and attachments, dated December 10, 2013;
- DWQ Draft 401 Water Quality Certification, dated December 10, 2013;
- UPRR's Anti-degradation Application, dated December 10, 2013
- UPRR's letter to USACE Notice of Imminent Failure of East Culvert, dated October 21, 2013;
- Jacobs Associates East Culvert Monitoring Report, dated October 11, 2013;

Submission of Public Comments

Public comments on this matter must be received by the Division of Water Quality by, **Wednesday, January 15, 2014 at 6:00 p.m.** All comments will be considered to determine whether an amended 401 Water Quality Certification is necessary.

Please submit comments to Bill Damery at wdamery@utah.gov . Comments may also be submitted by mail to:

Bill Damery
Utah Division of Water Quality
P.O. Box 144870
Salt Lake City, Utah 84114-4870

In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Dana Powers, Office of Human Resources at (801) 536-4413, TDD (801) 536-4414.